



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Bell Helicopter Textron, Inc.

File: B-241037

Date: October 12, 1990

Jack A. Stein, Esq., for the protester.
Jeffrey I. Kessler, Esq., Department of the Army, for the agency.
Linda S. Lebowitz, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

General Accounting Office (GAO) will not review protest that government should procure items from a particular firm on a sole-source basis because the objective of GAO's bid protest function is to ensure full and open competition for government contracts.

DECISION

Bell Helicopter Textron, Inc. protests as defective the terms of a solicitation for gear case assemblies, a flight safety part for the UH-1 aircraft, under request for proposals (RFP) No. DAAJ09-90-R-1211, issued by the Department of the Army. We dismiss the protest because it fails to state a valid basis of protest. Bid Protest Regulations, 4 C.F.R. § 21.3(m) (1990).

The agency synopsisized its requirement for 542 gear case assemblies in the Commerce Business Daily. The agency issued both an initial and an amended synopsis. In the initial synopsis, the agency restricted the acquisition to Bell, the original manufacturer of the item, and Imperial Tooling and Manufacturing, Inc. as previously approved and prequalified sources. The agency subsequently issued a revised notice. The agency required that sources interested in competing be approved in accordance with the Competition Advocate's Shopping List (CASL) requirements, a paperwork qualification process, prior to award. The restriction of the acquisition to the two approved sources was removed and the agency stated that any source which had not previously furnished the item to the government would be required to participate in first article testing of the item during performance of the contract (as opposed to prequalification).

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Bell, which received the last award for this item on a sole-source basis, filed its protest in response to the initial synopsis, arguing, in part, that Imperial was not an approved source. However, this aspect of the protest was rendered moot by the revised synopsis which does not list approved sources and omits source approval and prequalification requirements.^{1/} Bell essentially challenges the agency's decision to change, with the objective of enhancing competition, its testing policy--specifically, from testing a source's item as part of a prequalification process prior to award to testing a source's item as part of first article testing during performance of the contract.^{2/} Bell argues that as the original item manufacturer, it is the only qualified source able to furnish the item which would meet higher quality standards than even those imposed by the military specifications, and therefore Bell requests that our Office direct the agency to revise the solicitation and proceed on a sole-source basis with an award to Bell.

The objective of our bid protest function is to ensure full and open competition for government contracts, and as a general matter, our Office does not consider it appropriate to review a protest that an agency should procure items from a particular firm on a sole-source basis. See Moog, Inc., B-237749, Mar. 19, 1990, 90-1 CPD ¶ 306. This is so even where the protester claims that as the original item manufacturer, it is the only source qualified to furnish the item. Id. Here, we believe that the agency's decision to compete its requirement for the gear case assemblies (instead of using noncompetitive procedures and making another sole-source award to Bell) and its decision to conduct first article testing are both consistent with the objective of obtaining full and open competition. As the thrust of Bell's argument is to restrict the competition to itself by receiving a sole-source award, we dismiss its protest.

Michael R. Golden

Michael R. Golden
Assistant General Counsel

^{1/} The agency reports that a third source has been approved in accordance with the CASL requirements.

^{2/} The agency reports that under first article testing the contractor will be required to undergo the same type of processes as the company would for source approval.